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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,941

01/30/2004

Dietmar Janz

P24819

4403

7055 7590 01/22/2008
GREENBLUM & BERNSTEIN, P.L.C.
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EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

01/22/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/766,941

Applicant(s)

JANZ ET AL.

Examiner

Brenda A. Lamb

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-15, 18-19 and 31 are is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/31/2007.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation in claim 15 that the system for feeding comprises a measuring unit having a modular construction is confusing since the specification at paragraph 009 teaches that it is clear that pressure regulator, a storage device for storing the substance, a system of pipes, a fine filter, a fine measuring valve, a directional control valve and a control unit are part of the measuring unit and the measuring unit is not an additional unit of the system for feeding as set forth in claim 15.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 06-114318 in view of Iwashita et al 5,989,622.

Japan '318 teaches a system for applying coating to a moving web, the system comprising: a coating nozzle coupled to a coating reservoir; the coating nozzle comprising an outlet opening arranged to apply coating to the moving web while the substrate moves along a direction; a device that delivers a substance to a region of the outlet opening; and a system for feeding the substance to the device, wherein the device delivers the substance behind the outlet opening relative to the direction. Japan '318 fails to teach the system for intermittently feeding the substance comprises a pressure regulator, a storage device for storing the substance, a system of pipes, a fine filter, a fine measuring valve, a directional control valve and a control unit. However, Iwashita et al teaches a system for intermittently feeding the substance which is comprised of a pump which is known to act as a pressure regulator for the material pumped there through, a storage device for storing the substance, a system of pipes, a

fine filter and a plurality of valves and a control units for controlling valve 23 and feed pump 25. Therefore, it would have been obvious to modify the Japan '318 apparatus as discussed above by substituting its system for feeding the substance to the device which includes a pumping means for pumping the substance to the device with another known system for feeding such as taught by Iwashita et al for obvious advantage to enable one recycle the substance while coating is applied to the substrate and the substance is not being applied to front edge 5 of the coating nozzle. Further, the Japan '318 system which includes nozzle having an outlet opening is capable of applying glue to a moving web since it teaches every structural element of the apparatus.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 06-114318 in view of Iwashita et al 5,989,622 and Smitherman.

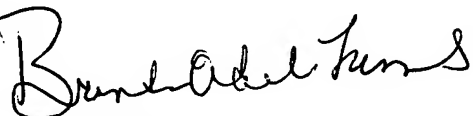
Japan '318 and Iwashita are applied for the reasons noted above but fails to teach the system for feeding comprises a measuring unit having a modular construction. However, absent a clear recitation of how the measuring unit relates to the other elements of the system for feeding, it would have been prima facie obvious given the modifications of the Japan '318 apparatus as discussed above to provide a valve such as the Iwashita et al valve 23 in a modular construction mounted the nozzle since it is known as taught Smitherman to provide the valve that controls flow of fluid or measures out flow of the substance to the nozzle in a modular construction for the obvious advantage of increases the compactness of design of the system.

Claims 18-19 and 31 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday. The examiner can also be reached on alternate Wednesdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brenda A Lamb
Primary Examiner
Art Unit 1792